

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	CAUSE NO.: 2:14-CR-86-JTM-PRC
)	
CALUMITE COMPANY, LLC,)	
Defendant.)	

**FINDINGS AND RECOMMENDATION OF THE MAGISTRATE JUDGE
UPON A PLEA OF GUILTY BY DEFENDANT CALUMITE COMPANY, LLC**

TO: THE HONORABLE JAMES T. MOODY,
UNITED STATES DISTRICT COURT

Upon Defendant Calumite Company, LLC's (Calumite) request to enter pleas of guilty pursuant to Rule 11 of the Federal Rules of Criminal Procedure, this matter came for hearing before Magistrate Judge Paul R. Cherry, on September 18, 2014, with the consent of Defendant Calumite, counsel for Defendant Calumite, and counsel for the United States of America.

At the hearing, in open court, the Motion to Allow Counsel to Appear on Behalf of Organizational Defendant [DE 12] was orally granted, but only as to the September 18, 2014 Initial Appearance and Felony Guilty Plea Hearing. The President or CEO of Defendant Calumite was ordered by the undersigned Magistrate Judge to appear in person at the sentencing hearing unless ordered otherwise by District Court Judge James T. Moody.

The hearing on Defendant Calumite's pleas of guilty was in full compliance with Rule 11, Federal Rules of Criminal Procedure, before the Magistrate Judge in open court and on the record.

In consideration of that hearing and the statements made by Defendant Calumite through its attorney under oath on the record and in the presence of counsel and the remarks of the Assistant United States Attorney,

I FIND as follows:

(1) that Defendant Calumite understands the nature of the charges against it to which the pleas are offered;

(2) that Defendant Calumite understands its right to trial by jury, to persist in its pleas of not guilty, to the assistance of counsel at trial, to confront and cross-examine adverse witnesses, and its right against compelled self-incrimination;

(3) that Defendant Calumite understands what the maximum possible sentences are;

(4) that the pleas of guilty by Defendant Calumite have been knowingly and voluntarily made and are not the result of force or threats or of promises;

(5) that Defendant Calumite is competent to plead guilty;

(6) that Defendant Calumite understands that its answers may later be used against it in a prosecution for perjury or false statement;

(7) that there are factual bases for Defendant Calumite's pleas; and further,

I RECOMMEND that the Court accept Defendant Calumite's pleas of guilty to the offenses charged in Counts 1 and 2 of the Information and that Defendant Calumite be adjudged guilty of the offenses charged in Counts 1 and 2 of the Information and have sentences imposed. A Presentence Report has been ordered. Should this Report and Recommendation be accepted and Defendant Calumite be adjudged guilty, a sentencing date before Senior Judge James T. Moody will be scheduled. Objections to the Findings and Recommendation are waived unless filed and served within fourteen days. *See* 28 U.S.C. § 636(b)(1).

So ORDERED this 18th day of September, 2014.

s/ Paul R. Cherry
MAGISTRATE JUDGE PAUL R. CHERRY
UNITED STATES DISTRICT COURT

cc: All counsel of record
Honorable James T. Moody